The Normative Underpinnings of the Use of Force. Doctrinal Foundations and Ambiguities in the CFSP/ESDP Discourse

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Abstract

As has often been pointed out, the “EU’s legitimacy relies on its ability to contribute to the strengthening of universal norms of human rights and democracy at the international level”. But are all EU Members ready to become involved in armed conflicts (and eventually accept human losses) to uphold or defend these values? Setting my work in the context of current debates in academic and political circles about the use of force in

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international relations, I will seek to trace the emergent normative foundations of the EU’s common security and defence policy.

The first part of the paper is mostly dedicated to an empirical investigation. It shows the evolution of the European position on the use of force, from the early days of the European Political Cooperation (EPC) through the post-Cold War developments. It consists of an overall review of EC declarations related to the use of force. This discourse analysis is justified, from a methodological point of view, by the need to avoid common bias. Indeed, by mixing factual and normative statements, some analyses lead to a re-interpretation of the past that does not reflect all cases. Moreover, those analyses are mostly focused on the political debates surrounding the contemporary development of European Security and Defence Policy (ESDP). On the whole, a close reading of the documents highlights the EC insistence on the necessity to severely limit the use of force, in accordance with the UN Charter. Nevertheless the end of the Cold War, and especially the Yugoslav crisis, raised fresh questions about humanitarian intervention and the necessity, for the EU, to back diplomacy by force. This brought about a new type of discourse, more ‘robust’ in its character, even if references to the principles of international law and the specific authority of the UN Security Council concerning the use of force are still present. As a result of these changes, the image of a ‘civilian power’ that used to characterise the EC’s external policy seems to a certain extent, old-fashioned.

In the second part of the paper, I attempt to identify the doctrinal foundations of such declarations in order to understand how changes in conceptions pertaining to the use of force by European States could be justified from a normative point of view. In order to produce a more stringent analysis, I have focused on two different kinds of justification for the use of force. The first is provided by the liberal paradigm inspired by the Kantian doctrine and the second is grounded in the realist paradigm influenced by Hobbes. This choice is motivated by the degree of congruence of each of these paradigms with the European discourse and not by a personal or scientific conviction as to their intrinsic value or relevance. Indeed, all of the EC/EU’s and individual Member States’ declarations surrounding the question of European Defence and the Petersberg tasks relate, in one way or another, to these two schools of thought in international relations. The European discourse on the use of force appears to be suffering from chronic inconsistency. The texts produced in the European institutional framework are ambiguous. At a first glance, they appear to endorse a traditional liberal view by legitimising the use of force on humanitarian